

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 21 2002

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

In re: Vitamins Antitrust Litigation)	Misc. No. 99-197 (TFH)
)	
This Document Relates to:)	MDL No. 1285
)	
Natural Alternatives International, Inc.,)	Case No. 99-CV-2682
Nutraceutical Corporation, Makers of)	(D.D.C.)
Kal, Inc. v. F. Hoffman-La Roche Ltd.,)	
et al., Case No. 99-CV-18585 (S.D. Cal.))	
)	
Leiner Health Products, Inc. v. F. Hoffman-)	Case No. 99-CV-3047
La Roche Ltd., et al., Case No. 99-09832-)	(D.D.C.)
JSL (C.D. Cal.))	

STIPULATION [~~AND PROPOSED ORDER~~]
CONCERNING DISCOVERY FROM LEINER HEALTH
PRODUCTS, INC. AND NUTRACEUTICAL CORPORATION

WHEREAS the parties have been diligently working to complete their necessary fact discovery, but have been unable to find mutually convenient dates, prior to the Court imposed fact discovery cut-off date of May 21, 2002 (the "Cut-off Date"), to complete depositions noticed in connection with the above-captioned litigations;

WHEREAS, in response to deposition notices served by Takeda on May 9, 2002, certain Leiner and Nutraceutical employees are tentatively scheduled to be deposed on May 20-21, 2002, in Los Angeles, California and Salt Lake City, Utah, respectively (the "Noticed Depositions"); and

WHEREAS the parties, while mindful of the Court's desire to have fact discovery brought to a timely conclusion, anticipate requiring a short extension of the Cut-off Date in order to effectively complete the Noticed Depositions;

NOW THEREFORE,

It is hereby STIPULATED AND AGREED, by and between undersigned counsel for Leiner Health Products, Inc. ("Leiner"), Nutraceutical Corporation ("Nutraceutical") and Takeda Chemical Industries, Ltd. and Takeda Vitamin & Food USA, Inc. (collectively, "Takeda"), that:

1. In the event that the Noticed Depositions cannot be completed as tentatively scheduled, on or before June 14, 2002, Leiner and Nutraceutical shall produce, at a date and time mutually agreeable to Takeda, the noticed Leiner employees (namely, Kevin Lanigan and Mark Anderson) and the noticed Nutraceutical employees (namely, Jeff Hinrichs and Henry Wythe) who have not yet been deposed.
2. Leiner and Nutraceutical agree not to resist producing the aforementioned witnesses on the grounds that the Cut-off Date has passed.
3. Nothing in this Stipulation shall be construed to affect the close of fact discovery with respect to discovery of other parties to this litigation.
4. By signing and joining this stipulation, no defendant waives any defense previously asserted by that defendant and all such defenses are hereby expressly preserved.

Dated: May 16, 2002

KENNY NACHWALTER SEYMOUR
ARNOLD CRITCHLOW & SPECTOR, P.A.

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*Counsel for Leiner Health Products, Inc.
and Nutraceutical Corporation*

Respectfully submitted,

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Chemical Industries, Ltd., Takeda
Vitamin & Food USA, Inc. and,
for purposes of this Stipulation,
Liaison Counsel for Defendants*

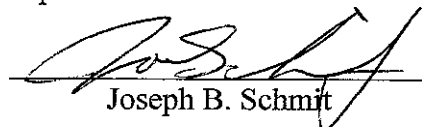
SO ORDERED:

Thomas F. Hogan
THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE

DATED: May 20, 2002

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on the 16th day of May 2002, he caused a true and correct copy of the foregoing Stipulation [and Proposed Order] Concerning Discovery From Leiner Health Products, Inc. and Nutraceutical Corporation to be served on all counsel of record by electronic service pursuant to the Court's Order Regarding Electronic Service, dated May 17, 2000, utilizing the Verilaw electronic service procedure.


Joseph B. Schmit